

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ANTOINE T. SIMMONS

Plaintiff,

ORDER

v.

17-cv-08886 (PMH)

WARDEN DIAZ W.C.J., ET AL.,

Defendants.

-----X

PHILIP M. HALPERN, United States District Judge:

This matter has recently been reassigned to me. The Court has reviewed Defendants' letter dated May 22, 2020 (Doc. 143) requesting dismissal of the case for failure to prosecute, or alternatively, permission to move to dismiss pursuant to 12(b)(6), and grants the request to file a motion to dismiss and directs the following briefing schedule: defendants' motion to dismiss shall be served and filed on or before June 9, 2020; plaintiff's opposition thereto shall be served and filed on or before July 9, 2020; and defendants' reply shall be served and filed on or before July 16, 2020.

The moving Defendants are instructed to mail a copy of this Order to the plaintiff, Antoine T. Simmons, and file proof of service thereof.

Dated: New York, New York  
May 26, 2020

**SO ORDERED:**

  
Philip M. Halpern  
United States District Judge